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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,039	09/11/2003	Eyal Aronoff	QSOFT.181A	8323

20995 7590 07/31/2006

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EXAMINER
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HARPER, LEON JONATHAN

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/662,039

Applicant(s)

ARONOFF ET AL.

Examiner

Leon J. Harper

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/19/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to application 10662039 filed on 9/11/2003. On 7/13/2006 a response was received to a restriction requirement mailed May 31, 2006 that required restriction to either claims 1-19 (group 1) or claims 20-27 (group 2). In said response applicant elected without prejudice to prosecute claims 1-19. Accordingly claims 1-19 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020111945 (hereinafter Young) in view of US 20020091712 (hereinafter Martin).

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As for claim 1 Young discloses: receiving data packets from a client application', assembling the data packets into at least one SQL statement (See paragraph 0021), when the SQL statement should be altered, forwarding an altered SQL statement to be acted upon by a database management system (See paragraph 0022), and when the SQL statement should not be altered, forwarding the SQL statement to be acted upon by a database management system (See paragraph 0074 note: the Sql statement does not have to be altered).

While Young does not differ substantially from the claimed invention the disclosure of determining whether the SQL statement should be altered is not necessarily explicit. Martin however does explicitly disclose of determining whether the SQL statement should be altered (See abstract and paragraph 0024). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Martin into the system of Young. The modification would have been obvious because custom tailoring of databases are done for many reasons but all are time consuming and require some level of re-programming (See Young paragraph 0005 and Martin paragraph 0004) however caching and look-up tables not only allow for efficient searching in one database system , but also different database systems regardless of the required syntax (See Young 0006 and Martin 0005)

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As for claim 2, the rejection of claim 1 is incorporated and further Young discloses: searching a lookup table for the SQL statement (See paragraph 0009 ), and modifying the SQL statement with information from the appropriate location in the lookup table (see paragraph 0022).

As for claim 3, the rejection of claim 2 is incorporated, and further Young discloses: wherein the lookup table includes at least one replacement SQL statement (See paragraph 0022).

As for claim 4, the rejection of claim 2 is incorporated, and further Martin discloses: wherein the lookup table includes at least one inaccessible object, and wherein the modification comprises delaying the SQL statement attempting to access the inaccessible object (See paragraph 0023), while Young discloses a lookup table (See paragraph 0009).

As for claim 5, the rejection of claim 1 is incorporated, and further Young discloses: forwarding the SQL statement to an expert system, and modifying the SQL statement according to the expert system (See paragraph 0022).

As for claim 6, the rejection of claim 1 is incorporated, and further Young discloses: wherein the altering the SQL statement comprises replacing the SQL statement (See paragraph 0024)

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As for claim 7, the rejection of claim 1 is incorporated, and further Young discloses: performing replication of one or more data files (See paragraph 0024).

As for claim 8, the rejection of claim 1 is incorporated, and further Young discloses: transparently moving a connection to the client application to another database management system (See paragraph 0074 note: user does not have to do anything except submit a query).

As for claim 9, the rejection of claim 1 is incorporated, and further Young discloses: performing replication of one or more data files, and transparently moving a connection to the client application to another database management system (See paragraph 0074).

Claims 10-18 are system claims corresponding to the methods of claims 1-9 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 1-9.


***Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH  
Leon J. Harper  
July 19, 2006

  
**MOHAMMAD ALI**  
**PRIMARY EXAMINER**